

ASSEMBLY BILL

No. 896

Introduced by Assembly Member Portantino

February 17, 2011

An act to amend Sections 3020, 3311, and 4103 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 896, as introduced, Portantino. Elections: vote by mail ballots.

(1) Existing law requires that all vote by mail ballots and special absentee ballots be received by elections officials or precinct boards by the close of the polls on election day in order to be counted.

This bill would permit the counting of vote by mail ballots and special absentee ballots that are returned by mail and postmarked by election day.

(2) Existing law permits certain local and special district elections to be conducted entirely by mail ballots.

This bill would also permit these mail ballots in these elections to be counted if they are postmarked by election day.

(3) Because this bill would expand the duties of local elections officials, it would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3020 of the Elections Code is amended
2 to read:
3 3020. All vote by mail ballots cast under this division shall
4 *either be postmarked not later than election day or* received by
5 the elections official from whom they were obtained or by the
6 precinct board no later than the close of the polls on election day.
7 SEC. 2. Section 3311 of the Elections Code is amended to read:
8 3311. All vote by mail ballots cast pursuant to this chapter
9 shall be received ~~by the county elections official not later than 8~~
10 ~~p.m. on the day of a federal election and canvassed under the same~~
11 *procedure as all other vote by mail ballots.*
12 SEC. 3. Section 4103 of the Elections Code is amended to read:
13 4103. ~~Notwithstanding Section 3020, ballots~~ Ballots cast under
14 this chapter shall be ~~returned to the elections official from whom~~
15 ~~they were obtained no later than 8 p.m. on election day received~~
16 *and canvassed under the same procedure as all other vote by mail*
17 *ballots.*
18 SEC. 4. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.